

1 IN THE COUNTY OF PORTAGE

2 RANDOLPH TOWNSHIP

3 BOARD OF ZONING APPEALS

4
5
6 JUNE 29TH, 2015

7 7:00 P.M.

8
9
10 **Conditional Use-Zoning Application #42715A**

11 **Maximum Lot Coverage-Zoning Application #62915**

12 **(Sarchione)**

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14 - - - -

15 Proceedings at the Randolph Township
16 Senior Center, 1639 State Route 44, Randolph,
17 Ohio, taken by Julieanne Ross, RPR, and Notary
Public in and for the State of Ohio, on Monday,
June 29th, 2015, at 7:00 p.m.

18 - - - - -

19 ROSS REPORTING
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25

1 APPEARANCES:

2
3 Board of Zoning:

4
5 Bob Moledor

6 Mark Wise

7 Jason Bonecutter

8 Chuck Guthier

9 Betty Siegferth

10 Kevin Steiner

11
12 Also Present: Erin Myrla, Zoning Inspector

1 KEVIN STEINER: It's 7:00 o'clock, we'll
2 get started. We'll start with the pledge.

3 (Thereupon, the Pledge of Allegiance was recited.)

4 KEVIN STEINER: Okay. Erin, would you
5 care to read what we have slated for this evening?

6 ZONING INSPECTOR MYRLA: You have the
7 conditional zoning application 42715A. It was
8 submitted by Jonathan Sarchione, SAS, for 4026
9 Waterloo Road, parcel number 2805500000-18001.
10 The existing use, parking, sales and repair
11 automotive use. The zoning district is general
12 commercial. And the description of conditional
13 use is automotive use, vehicle parking, sales and
14 use.

15 KEVIN STEINER: Okay. Thank you.
16 That's the first issue that we'll discuss this
17 evening.

18 Bare in mind that this evening's topic
19 is only for this particular subject. So we will
20 not discuss or take any questions at all for any
21 other issues that might be at hand such as the
22 Ford dealership. This is strictly for the piece
23 of property at the Chevy dealership on Waterloo
24 Road.

25 So at this time if there is anyone that

1 is intending to speak this evening, if you would
2 please stand up and we'll swear you in. Raise
3 your right hand.

4 (Thereupon, a collective oath was administered.)

5 KEVIN STEINER: Thank you.

6 So as we stated, the first subject is
7 for the conditional use in the zoning district
8 general commercial for automotive use, vehicle
9 sales and use, vehicle parking, sales and use.

10 And when this had been brought up April
11 27th there was some information that we were
12 lacking as part of the application, which we have
13 since received. So that's where we're at, too,
14 we'll discuss this issue for this conditional use.

15 Now, have all the members of the Board
16 had an opportunity to review the information
17 provided?

18 Okay. Are there any questions from the
19 Board at this time about this?

20 BETTY SIEGFERTH: There was stuff that
21 was highlighted from Section 401.02, there was A,
22 B, E and F, all those. Is this stuff we can bring
23 up now on that?

24 KEVIN STEINER: Yes.

25 BETTY SIEGFERTH: Okay. The only thing

1 that I noticed on my plans was the 24-inch pipe
2 that you have that's by the swale, now, is that
3 going to be a 24-inch pipe all the way or is it
4 going to --

5 ATTORNEY CLUNK: It is a 24-inch pipe,
6 and the 24-inch pipe is going all around, and also
7 drops into a 42-inch pipe.

8 BETTY SIEGFERTH: Okay, so that's near
9 each of the catch basins?

10 ATTORNEY CLUNK: Up to the gas station
11 it's all 24-inch pipe around.

12 BETTY SIEGFERTH: Okay. At the end is
13 there a restricter pipe that that is going to?

14 ATTORNEY CLUNK: Probably the best one
15 to answer that is the engineer.

16 BETTY SIEGFERTH: Okay.

17 ATTORNEY CLUNK: And I would ask Mike to
18 come forward. Would you please state your name so
19 at least the court reporter can know who you are?

20 MIKE HETTLER: Mike Hettler, Hettler
21 Engineering, 1225 North Main Street, North Canton.

22 There is 24-inch pipe that runs from the
23 east property line runs along it would be the
24 north side of the main parcel and runs on the
25 south side of the parcel we're talking about this

1 evening. And it ties into a 42-inch at a catch
2 basin along the east side of the ODOT right of
3 way. And there is no restriction on it.

4 It's not part of the detention or the
5 water quality for the actual site, it is on the
6 outside. The purpose of this pipe is to transport
7 the runoff coming from the east, from the large
8 area to the east, and I don't remember offhand
9 nine or eleven, twelve, thirteen acres is coming
10 to the site and running onto the Sarchione
11 property.

12 What we've done is picked that up and
13 just passed it right onto the 42, which is where
14 it should go. So it's not actually part of the
15 car dealership property, it's a separate storm
16 sewer. So there are storm sewers for the whole
17 site for the car dealership that we did and then
18 also we provided detention, underground detention
19 and water quality for all of that.

20 BETTY SIEGFERTH: Okay, thank you.

21 MIKE HETTLER: Certainly.

22 KEVIN STEINER: Were there any other
23 questions regarding this subject?

24 MARK WISE: Yeah. The area on the map
25 that's marked grass here in front of the ten-foot

1 landscaping, do you have an idea about how wide
2 that actually is?

3 MIKE HETTLER: Along Waterloo.

4 MARK WISE: Along Waterloo, yeah.

5 MIKE HETTLER: I don't. I can go to the
6 scale.

7 MARK WISE: An estimate is good.

8 ATTORNEY MOHR: Based on my measurements
9 which we did for the various application -- sorry,
10 for the record, Attorney Matt Mohr -- I believe
11 it's about 23 feet in width, about 23-25 feet in
12 width.

13 MIKE HETTLER: It looks like more like
14 15 on here.

15 ATTORNEY MOHR: Based on the larger map
16 we're showing a scale of one inch being 30 feet,
17 about three quarters of an inch. So you're
18 running about 23 feet.

19 KEVIN STEINER: Okay. So you have a
20 sidewalk drawn in, so you are planning to make
21 sure there is a sidewalk there?

22 MIKE HETTLER: There is an existing
23 sidewalk there. The sidewalk has been covered
24 over at the entrance.

25 KEVIN STEINER: Okay.

1 MIKE HETTLER: It's been covered over,
2 which is why we don't show it on the entrance.
3 Excuse me, it's probably there, but I think it's
4 been covered over by the entrance because it sits
5 so low. It might be difficult to get it -- you
6 would have to bring it up and bring it up to grade
7 to put it back in because that sidewalk sits way
8 below the road.

9 MARK WISE: But the four feet of
10 existing sidewalk that sits between the
11 landscaping and the grass, is it still sitting
12 there or is it going to be replaced?

13 MIKE HETTLER: It's existing. And it
14 does run across the bank entrance. We show it
15 there, but then it starts again down further:

16 KEVIN STEINER: I have one question.
17 What's the gravel drive entrance, how wide is
18 that?

19 MIKE HETTLER: Existing, I have to go
20 get the scale. I'll be back.

21 KEVIN STEINER: Sorry about that.

22 MIKE HETTLER: No, no problem. I think
23 I have one.

24 KEVIN STEINER: While we're waiting,
25 were there any other questions from the Board?

1 Were there any questions from the
2 audience?

3 THE WITNESS: I think the sidewalk issue
4 is really unclear at this time because it's based
5 on a zoning law that --

6 ATTORNEY CLUNK: Could you please state
7 your name, please?

8 HOWARD KLINE: Howard Kline.

9 It states currently in our zoning
10 regulations that any new development or
11 redevelopment has to install concrete sidewalks.
12 It states in our zoning code that you have to
13 follow the Portage County, their specifications
14 for sidewalks.

15 So whatever is happening there, they
16 need to engineer it, redo the engineering, do the
17 grading and put in concrete sidewalks. And
18 replace -- it doesn't matter whether there is one
19 there or not, because it's redevelopment or new
20 development. But a sidewalk does need to be put
21 in out of the driveway.

22 ATTORNEY MOHR: Let me inquire, Mr.
23 Kline.

24 KEVIN STEINER: Please ask me.

25 ATTORNEY MOHR: Did Mr. Kline receive a

1 notice for the hearing this evening?

2 UNIDENTIFIED VOICE: No.

3 KEVIN STEINER: I'm sorry, Mr. Kline?

4 HOWARD KLINE: No, I didn't.

5 ATTORNEY MOHR: And, Mr. Kline, for the
6 record would you please state your residence, your
7 address?

8 HOWARD KLINE: 1690 State Route 44.

9 ATTORNEY MOHR: Could you estimate for
10 me the distance of your house from the location of
11 this parcel?

12 HOWARD KLINE: That's irrelevant.
13 We're talking about Randolph zoning regulations
14 under new construction or redevelopment or new
15 development. And this property falls under that
16 category.

17 You can take redevelopment or new
18 development, either which way, the town's
19 appearance and according to our zoning regulations
20 it states clearly that concrete sidewalks need to
21 be installed.

22 So unless a conditional use negates all
23 the rest of our zoning regulations, which I don't
24 believe it does, there are certain things -- it
25 doesn't matter where I live, we're talking about

1 this piece of property in Randolph. And that's an
2 issue that was brought up, you know.

3 So what they're saying is are they going
4 to leave it gravel over top of it or have more
5 gravel added or are they going to install concrete
6 sidewalks?

7 KEVIN STEINER: They want to place the
8 gravel over top along the driveway which happens
9 to be gravel anyway. But I do notice your concern
10 about the sidewalk, I appreciate that.

11 HOWARD KLINE: Thank you.

12 ATTORNEY CLUNK: In all due respect,
13 could you please answer the question how far is he
14 from this? It's a legal thing, so we'd like to
15 have that answered if he could.

16 KEVIN STEINER: Okay.

17 HOWARD KLINE: Again, it's irrelevant.
18 Again, it's irrelevant. I'm a Randolph citizen.

19 ATTORNEY CLUNK: I understand that.

20 HOWARD KLINE: It's irrelevant how far
21 away.

22 KEVIN STEINER: Well, how far away are
23 you? It's a simple question, relevant or not,
24 it's a simple question. How far away are you from
25 that property?

1 HOWARD KLINE: 500 feet.

2 KEVIN STEINER: Okay, thank you.

3 ATTORNEY CLUNK: Thank you.

4 MIKE HETTLER: I can answer some
5 questions now. The grass strip which would be
6 north of the proposed landscaping strip is about
7 18 feet.

8 KEVIN STEINER: 18 feet, okay.

9 MIKE HETTLER: And the width of that
10 entrance is approximately -- it's real hard to
11 tell because the grass isn't well-defined -- but
12 about 30 feet, 31-32 feet the gravel is.

13 KEVIN STEINER: Okay, thank you.

14 MIKE HETTLER: Certainly.

15 KEVIN STEINER: All right. Yes, ma'am?

16 BETH KLEIN: Beth Klein, I'm speaking
17 for Annette Klein, I'm her daughter, because it's
18 difficult for her to hear.

19 A clarification question. When you have
20 a conditional zoning application, are all of the
21 zoning laws and regulations in regards to lighting
22 and buffer zones still in place?

23 KEVIN STEINER: For the district they
24 are still in place unless there is a variance
25 requested for that, for a particular.

1 BETH KLEIN: So for this particular
2 conditional zoning application, all current zoning
3 laws would be in place; correct?

4 KEVIN STEINER: As it applies to general
5 commercial, yes.

6 BETH KLEIN: Thank you.

7 KEVIN STEINER: Yes?

8 MARK ROLIFF: I'm Mark Roliff, I live at
9 4027 -- 4027 Waterloo Road.

10 I don't know if this is appropriate to
11 mention here or not, but Betty mentioned something
12 about storm sewers and I think this hinges on that
13 as far as the property at 4026.

14 A little history on this, back in 1958
15 we came home one night and found a couple feet of
16 water in the cellar. And making a long story
17 short, there's a catch basin located just across
18 the line at the southeast corner of my property,
19 it's just very near that corner. And it was
20 over-flooded, it was completely overwhelmed.

21 And after a lot of pointing, finger
22 pointing and yelling and screaming and begging and
23 whatever, we got the county engineer to come out
24 and clean that out and clean the storm sewer out
25 that went under the road and down over 4026

1 Waterloo Road. And it continues on underneath the
2 Chevy dealership over there.

3 And since they did that we've had a dry
4 cellar for approximately 56 years, until a
5 month-and-a-half ago. Before that last summer
6 some guy, perhaps one of the engineer's employees,
7 parked a white pickup truck in the driveway at
8 4026 and the guy got out and he was looking around
9 that catch basin.

10 And I went out and talked to him. And
11 he said they were putting in some kind of a water
12 impoundment something or another underneath the
13 Chevy dealership, subterranean. I didn't ask him
14 what all that entailed.

15 He asked me where that storm sewer went.
16 And I told him, I said it comes down from the east
17 under the catch basin and goes under the road,
18 across the road and down over somewhere. And he
19 says that's kind of strange because there's
20 another catch basin on the other side of the road
21 and it's full of gravel.

22 Now, I didn't go over there and poke
23 around in the neighbor's driveway. I figure it's
24 none of my business, so I let it go. About a
25 month-and-a-half ago we ended up with about a foot

1 of water in the basement. I checked that catch
2 basin and it's covered in water.

3 And I was trying to figure out what to
4 do and about a week, week-and-a-half later it
5 happened again. And I had another foot of water
6 in the basement and it screwed up the furnace
7 motor and it drowned the water heater and left
8 slime and mud all over the floor.

9 And at that point I put in a sump pump
10 and called the county engineer they sent a guy
11 right out. And he took the grate off and he kind
12 of looked around in there a little bit and said
13 the pipes are clear, good-bye.

14 So I didn't know what to think of that,
15 so I put the sump pump in and figured, well, let's
16 see what happens. Maybe they will come back and
17 figure out where that thing went and do something.

18 No. Last Saturday, you know how much it
19 rained, I was keeping tabs on it, keeping a look
20 in the cellar and it was coming up my drain and
21 spreading across the floor. I have a sump pump
22 that can handle 2580 gallons an hour. It was
23 squirting all the way out into the lawn, couldn't
24 keep up.

25 So I called him again today and I got

1 the biggest load of malarky I ever heard in my
2 life and I don't think they are going to do
3 anything. So I don't know if this impinges on the
4 zoning matter we have at hand tonight or not. So
5 whatever it's worth, there you are. I'd rather
6 not make myself into a frog farmer, you know.

7 KEVIN STEINER: Right. Thank you.

8 The question right now is the
9 conditional use. So were there any other
10 questions from the audience about the conditional
11 use?

12 GARY HORNING: We haven't looked at
13 plans, so it's kind of hard for us to have too
14 much to say about it. Is there lighting on there
15 also, is there --

16 ATTORNEY CLUNK: Your name, please?

17 GARY HORNING: Gary Horning.

18 ATTORNEY CLUNK: Thank you.

19 KEVIN STEINER: Yeah, please identify
20 yourself if you want to speak.

21 ATTORNEY CLUNK: I know you but --

22 GARY HORNING: Thanks, but I guess
23 that's hard for me to --

24 KEVIN STEINER: I believe that question
25 was asked before. There was not to be any

1 additional lighting at that particular lot; is
2 that correct?

3 JOHN SARCHIONE: Yes.

4 KEVIN STEINER: Okay. So there was
5 going to be no lighting added on that lot.

6 GARY HORNING: Okay. Another question
7 is since I don't have the drawing is how much
8 grass is getting put into that lot compared to
9 what the zoning requires?

10 KEVIN STEINER: Well, right now we're
11 talking about the conditional use, we're not
12 talking about the grass. That's a different
13 subject. It's two different subjects that we are
14 discussing this evening.

15 GARY HORNING: I guess I'm confused,
16 maybe you can clarify that for me so I can -- part
17 of the conditional use for them to use it is the
18 conditions and what it's going to be used for;
19 correct?

20 KEVIN STEINER: The conditional use is
21 for the use of what they want to use it for.

22 They also have applied for a variance of
23 the maximum lot coverage, which is what you're
24 referring to, the amount of grass or landscaping
25 on the area. That's a subject that we're going to

1 come to. But right now we're doing the
2 conditional use code, the conditional use
3 application.

4 GARY HORNING: So, in other words, they
5 are using it for what they're already using it
6 for; is that correct? Automotive?

7 KEVIN STEINER: Well, if you'd like to
8 put words into my mouth, sure.

9 GARY HORNING: I'm not. Thanks.

10 KEVIN STEINER: There are maps around
11 the room.

12 GARY HORNING: Okay, thanks.

13 HOWARD KLINE: Howard Kline again.

14 If we grant them a conditional use, how
15 long will they have before they have to follow the
16 codes that we have as far as like buffer,
17 lighting, sidewalks? How long will they have to
18 design and build those items?

19 If we give them a conditional use
20 tonight, okay, what's the term that they have to
21 follow-up and obey that license of the zoning?

22 KEVIN STEINER: Well, the conditional
23 use is granted as soon as it's signed.

24 HOWARD KLINE: Right.

25 KEVIN STEINER: So if there are -- if

1 we place any conditions on this or any
2 stipulations on it, then they have -- we can put
3 in a time period that they would have to abide by
4 those or if they go to use it for the conditional
5 use, it's as the rules apply to the zone.

6 HOWARD KLINE: Yeah, that's my question
7 was the stipulations that you add, none of that
8 negates what our current zoning regulations and
9 laws are, am I correct in thinking that?

10 KEVIN STEINER: Sure, yes.

11 HOWARD KLINE: So they would have to
12 comply and then we would enforce that the zoning
13 regulations are taken care of, like the lighting,
14 buffer, and sidewalks?

15 KEVIN STEINER: Right.

16 HOWARD KLINE: Okay.

17 KEVIN STEINER: Okay. Any other
18 questions about the conditional use?

19 MARK WISE: Mr. Roliff, I'm sorry, you
20 said your address was 40 --

21 MARK ROLIFF: 4027.

22 MARK WISE: 4027, okay. And you said
23 4026 is where that catch basin is?

24 MARK ROLIFF: It's right across the
25 street where the free parking lot is. I think

1 when they did this, the construction for the
2 parking lot, they probably inadvertently messed up
3 that storm sewer, which is why it's backing up.

4 KEVIN STEINER: Well, let me ask a
5 question. Are you, you know, on all the studies
6 you've done with the sewers and the drains and so
7 forth, are you aware of what Mr. Roliff is
8 referring to?

9 MIKE HETTLER: There is a catch basin
10 which would be on the south side of Waterloo and
11 that's the one that looks like it had gravel in
12 it, is that correct, so it didn't really look like
13 there was an outlet?

14 And we've never been able to determine
15 where it went, if it went across our property.
16 I'm presuming that at one time there used to be a
17 ditch or a creek or something that ran down
18 through a waterway of some sort, that's probably
19 what happened, one of the two foot. But it's, I
20 don't know, plugged probably at this point.

21 If we during our construction, if we
22 would run into it, you know, we would have to make
23 some -- make that aware to someone so that
24 something could be done with it, instead of just
25 dead-end.

1 But we couldn't -- the catch basin where
2 the 42 is, it's not in there, I can tell you that.
3 I looked at that myself. The other storm sewers
4 on the side are 8-inch, they are really small. So
5 I'm not thinking any of those would be the
6 existing one or what the construction company used
7 is a real small, like a 6-inch or something, not
8 much to it either. So I'm not sure where the pipe
9 goes. I'm pretty sure it's probably plugged
10 maybe.

11 I don't think -- the only thing that was
12 done at the parking lot, and I wasn't there for
13 this little parcel, is you might have filled over,
14 right? You didn't cut anything?

15 JOHN SARCHIONE: No.

16 MIKE HETTLER: So they probably didn't
17 cut into it and break it. You know, the
18 construction company was there. Perhaps it got
19 broken during that time.

20 I'm not thinking that we've done
21 anything during construction that would affect
22 you. I'm not saying it's improbable, but we
23 really haven't done anything to do that. And we
24 didn't cut, you know, excavate in that area.

25 They filled I think some gravel, it's

1 possible it got crushed. But I don't -- if
2 somebody needs to uncover it, it's the county's.

3 MARK ROLIFF: Well, this is Mark Roliff
4 again.

5 I just looked out my window and see
6 things going on over there. I see them over there
7 with track hoes and things like that. And they
8 were digging right where I thought that that sewer
9 line would probably go through, right across from
10 the catch basin on the north side.

11 MIKE HETTLER: Why don't you show me?

12 KEVIN STEINER: Where is the catch
13 basin? You were referring to one -- is there one
14 on your property?

15 MARK ROLIFF: It's right -- it's right
16 across the line from my property. It's almost
17 abutting my property.

18 KEVIN STEINER: On the same side of the
19 road?

20 MARK ROLIFF: It's on the north side of
21 the road where I see the catch basin, but it's
22 covered with water.

23 MIKE HETTLER: It has a concrete cover
24 though.

25 MARK ROLIFF: I can show you pictures of

1 it.

2 MIKE HETTLER: I might have a picture,
3 too.

4 MARK WISE: Mr. Hettler?

5 MIKE HETTLER: Yes, sir.

6 MARK WISE: The catch basin you're
7 referring to, is it on this map?

8 MIKE HETTLER: No.

9 MARK ROLIFF: If it's plugged up on the
10 other side of the road, which it could be, I don't
11 know. If you run a truck hoe you could probably
12 crush it. It was plastic pipe under the road.

13 MIKE HETTLER: Most of the pipe, the
14 plastic pipe, even the black plastic, they require
15 a foot of cover on it. As long as it's vented
16 properly it should be okay. That doesn't mean,
17 you know, somebody didn't hit it or something,
18 it's possible.

19 JOHN SARCHIONE: Couldn't tell. One was
20 full of gravel, the other one I wasn't able to see
21 in.

22 MARK ROLIFF: I didn't see them digging
23 up any pipe or anything. I saw them digging up a
24 lot of dirt making dirt piles, I'm thinking there.

25 MIKE HETTLER: Where was that?

1 MARK ROLIFF: It was where they just put
2 that little area of black stuff there next to the
3 drive to the left of the entrance drive.

4 MIKE HETTLER: Oh, up here?

5 MARK ROLIFF: Right next to the road.

6 KEVIN STEINER: Mr. Roliff, if you could
7 please come up, if you could show us on this map.

8 (Discussion had off the record.)

9 KEVIN STEINER: This gentleman is going
10 to summarize our discussions over here.

11 ATTORNEY CLUNK: So, Mr. Roliff was
12 discussing with the engineer, the pipe that's on
13 his property that he believes goes under the road
14 onto the Sarchione property, it seems like it
15 might be full of gravel/debris.

16 And at this point in time we're going to
17 get our engineer and our excavator to try to see
18 what's going on with that, whether we need to dig
19 it up to get the stone out. But we can't seem to
20 find it in any of the pipes that we're in. So if
21 it's dead-ended into the property somewhere and
22 buried it's going to have to be found. Is that
23 fair enough?

24 MIKE HETTLER: Yes.

25 ATTORNEY CLUNK: Mark, is that fair

1 enough, what I said?

2 MARK ROLIFF: Sure.

3 ATTORNEY CLUNK: Thanks.

4 BETH KLEIN: Beth Klein, I missed the
5 name of the engineer.

6 MIKE HETTLER: Mike.

7 BETH KLEIN: Last name?

8 MIKE HETTLER: Hettler.

9 BETH KLEIN: Spell it.

10 MIKE HETTLER: H-E-T-T-L-E-R.

11 BETH KLEIN: And are you with the
12 county?

13 MIKE HETTLER: No, I'm not.

14 BETH KLEIN: Who are you hired by?

15 MIKE HETTLER: I was hired by Sarchione.

16 BETH KLEIN: I have a question for
17 clarification.

18 In this case who is responsible to
19 determine and remediate the problems, is it the
20 property owner, is it the county engineers, is it
21 ODOT?

22 Who is responsible and for what portions
23 to make it correct?

24 ATTORNEY CLUNK: What problems are you
25 talking about?

1 KEVIN STEINER: Well, yeah, it depends
2 on what issue it is.

3 BETH KLEIN: If there's broken pipes or
4 the issue is coming from a filled culvert full of
5 gravel that's on the property that Sarchiones own,
6 versus say it's happening where the roadway is
7 that belongs to the county, are they responsible
8 for that remediation?

9 KEVIN STEINER: Generally the drainage
10 is on the owners, whoever the owner is, it's up to
11 the owner to repair that.

12 MIKE HETTLER: I have a different
13 opinion, if that's okay.

14 KEVIN STEINER: Sure.

15 MIKE HETTLER: It appears to me that if
16 the gentleman was saying that the pipe came down
17 Waterloo and then turned and went south onto the
18 Sarchione property, it's the outlet from a public
19 storm sewer, which it's a county road. So the
20 storm sewer I would think on Waterloo, which is a
21 county road, would be county jurisdiction.

22 And whether legally or not, if it turned
23 and outleted through private property, I would
24 think they still have some liability there. It's
25 not -- it's not the property owner's fault, you

1 know what I mean?

2 BETH KLEIN: So kind of dual?

3 MIKE HETTLER: I don't know. And that's
4 why I guess we were offering to try to help just
5 to try to -- it doesn't sound like the county was
6 going to help that gentleman. So we have an
7 excavator out there, we can try to help and do
8 what we can and try to make it go away. We don't
9 want him to have water in his basement.

10 HOWARD KLINE: This whole issue about
11 pipes were there, we need an engineer, a storm
12 water management engineer stamped plan, because
13 the impervious surfaces change, whether it's
14 grass, flower fields, asphalt, gravel, concrete.
15 The new surface created is a whole different issue
16 of water. So it's not like the old pipe, it's
17 kind of irrelevant what's there.

18 What needs to be done is like I said, an
19 engineer storm water management plan stamped that
20 will take into consideration how much surface and
21 what the surface consists of and what kind of
22 drainage off of that surface will be. And then it
23 would be like kind of cut here, dig here, find
24 this pipe, find that pipe. It would be simple.
25 Have the engineer plan and inspect it that way.

1 KEVIN STEINER: We are well aware of
2 that and they do have the plan.

3 HOWARD KLINE: Engineer stamped storm
4 sewer?

5 MIKE HETTLER: Yes, we have a storm
6 water management report that shows all the new
7 storm sewers, all the storm sewers we're tying
8 into. It shows the detention, it shows the
9 hydrologic calculations.

10 HOWARD KLINE: So you're not going to be
11 using any of those old pipes anyways then;
12 correct?

13 MIKE HETTLER: Right, we're not going to
14 be using any of those pipes.

15 HOWARD KLINE: Okay, then that can
16 answer it, right?

17 MIKE HETTLER: Yeah.

18 KEVIN STEINER: Okay, any other
19 questions at this time or comments?

20 Okay, for the Board with regard to this
21 issue of the use variance, I would propose for
22 a -- I would like to have a motion.

23 MARK WISE: I would like to make a
24 motion to go into private deliberation.

25 BOB MOLEDOR: I second that.

1 KEVIN STEINER: Motion for private
2 deliberation by Mr. Wise and seconded by Mr.
3 Moledor. Roll call vote. Chuck?

4 CHUCK GUTHIER: Yes.

5 KEVIN STEINER: Bob?

6 BOB MOLEDOR: Yes.

7 KEVIN STEINER: Betty?

8 BETTY SIEGFERTH: Yes.

9 KEVIN STEINER: Jason?

10 JASON BONECUTTER: Yes.

11 KEVIN STEINER: Mark?

12 MARK WISE: Yes.

13 KEVIN STEINER: Yes.

14 We're going to limit it to ten minutes,
15 so we'll be back shortly.

16 (Recess for private deliberation.)

17 KEVIN STEINER: Okay, we are back in
18 session.

19 Any other discussion from the Board
20 regarding the conditional use application 42715A?

21 BETTY SIEGFERTH: No.

22 MR. MOLEDOR: No.

23 JASON BONECUTTER: No.

24 KEVIN STEINER: Okay. Is there any
25 more questions from the audience regarding this

1 conditional use application?

2 All right. Any motions?

3 MARK WISE: Yeah, I'd like to make a
4 motion to grant the conditional use for
5 application 42715A.

6 KEVIN STEINER: Do I have a second?

7 JASON BONECUTTER: Yes.

8 KEVIN STEINER: Okay, the motion by Mark
9 Wise, seconded by Jason Bonecutter.

10 Roll call vote. Chuck?

11 CHUCK GUTHIER: Yes.

12 KEVIN STEINER: Bob?

13 BOB MOLEDOR: Yes.

14 KEVIN STEINER: Betty?

15 BETTY SIEGFERTH: Yes.

16 KEVIN STEINER: Jason?

17 JASON BONECUTTER: Yes.

18 KEVIN STEINER: Mark?

19 MARK WISE: Yes.

20 KEVIN STEINER: And yes, Kevin Steiner.

21 So the conditional use is granted,
22 application 42715A.

23 So we have one more topic to discuss
24 this evening, it's the application for variance.
25 And if we can get a description of that.

1 ZONING INSPECTOR MYRLA: Application
2 number 62915 submitted by Attorney Matthew Mohr on
3 behalf of SAS Randolph Enterprises for 4026
4 Waterloo Road, the variance as to Section 560.03B,
5 maximum lot coverage.

6 KEVIN STEINER: Okay, thank you.

7 So as I said before, there are three or
8 four big maps available throughout the room to
9 look at which has the drawing with the proposed
10 lot coverage for this particular lot. So if
11 anyone is curious or would like to look at it,
12 feel free to do so.

13 Any questions from the Board regarding
14 this application for variance?

15 MARK WISE: You know what, I do have a
16 question for Mr. Hettler.

17 KEVIN STEINER: Speak louder.

18 MARK WISE: I'm sorry, I had a question
19 for Mr. Hettler.

20 I wondered where the 24-inch main ran
21 to. You said it dumped into a 42-inch. And I was
22 just wondering if you could show me on the map
23 perhaps.

24 MIKE HETTLER: Okay, the 24-inch will
25 start here, this is the bank, this is the

1 building, the existing building. It will start
2 from this ditch. There is kind of a creek and
3 there is a private drive to the apartments and
4 there is some type of culvert under there.

5 It comes down here, so the 24 will start
6 here and it will come to here. It doesn't pick
7 this one up. This goes under along here and
8 through here and ties into this catch basin here.
9 This is where the 42 starts.

10 MARK WISE: And that's where this.

11 MIKE HETTLER: Down to the intersection,
12 across 224 and goes west across 44. I think it
13 might be the left one. I don't know.

14 MARK WISE: Do you know where that.

15 MIKE HETTLER: Right in the low area,
16 yeah. It may not be this basin, I think it's the
17 next one down, but it comes across. And the 42
18 runs at that catch basin.

19 MARK WISE: Very good, thank you.

20 KEVIN STEINER: Okay. I see on your
21 drawing you have a grassy area on each side of the
22 sidewalk, right?

23 ATTORNEY MOHR: That's correct.

24 KEVIN STEINER: So that's about, what
25 did we figure, that one was about 18 feet.

1 MIKE HETTLER: 18 feet, yes, sir.

2 KEVIN STEINER: Then the other one is
3 ten feet.

4 MIKE HETTLER: And it's a proposed one.
5 The pink is proposed.

6 KEVIN STEINER: Right. So being
7 proposed, that would be your intention to have
8 that much?

9 ATTORNEY CLUNK: We were going to add
10 that much into it, yes.

11 KEVIN STEINER: Okay.

12 MIKE HETTLER: We tried to add it so
13 that it could serve as a buffer to the neighbors
14 and then also not impede vehicle movement and snow
15 plowing and so forth.

16 KEVIN STEINER: Right, right.

17 And did you have anything specific in
18 mind? I see where in the green part you have
19 grass. And then in the pink parts did you have
20 anything specific in mind as to plants or
21 vegetation?

22 ATTORNEY CLUNK: We talked about some
23 plants that might grow tall, you know, four foot
24 and up or something to be in that area so we have
25 a little bit better buffer and then some ground

1 cover of course to clean it up.

2 So that will be when you think about the
3 whole general plan, our landscaping plan, what we
4 are going to do for the betterment has not been
5 formalized yet. And we're still waiting for the
6 landscaping people to tell us what is best and
7 also the GM to tell us what they like.

8 The one thing, if you look at all the
9 new dealerships around, they are really clean,
10 they are good-looking and there's vegetation. So
11 a lot of that stuff gets actually told to us what
12 we have to have. So we will, you know, we want it
13 to look nice obviously.

14 KEVIN STEINER: Sure, yeah. Absolutely.

15 My biggest concern would be, you know,
16 as to the safety factor of folks that are pulling
17 in and out of the driveway to have vision down the
18 road either direction.

19 ATTORNEY CLUNK: Yeah, I thought that
20 the landscaping -- what I was talking about in
21 height would be on the strip along the bank side,
22 then the frontage would be more of a ground cover,
23 you know, not very high, but just to show so
24 people don't drive over it to come in, but that
25 they would be able to have that buffer zone.

1 MIKE HETTLER: Well, the green in the
2 right of way though is probably mostly grass
3 because that's in the right of way.

4 ATTORNEY CLUNK: That's right.

5 KEVIN STEINER: Right, right.

6 Oh, and one other question that I have.
7 Would you have a problem installing a new sidewalk
8 even though there is a concrete sidewalk there?

9 ATTORNEY CLUNK: John?

10 JOHN SARCHIONE: No.

11 ATTORNEY CLUNK: We did talk about that.
12 And, again, as part of -- we want to do that
13 because I know GM is also going to tell us to do
14 that.

15 JOHN SARCHIONE: I want to do that, too.

16 ATTORNEY CLUNK: John told me
17 beforehand, he says I'm doing it anyway. Because
18 you don't have a beautiful multi million dollar
19 facility and have broken sidewalks out there. So
20 yes, definitely there will be new sidewalks.

21 Knee so the sidewalk is low also and the
22 bank is low, so we would pick it up. It would
23 also fit with the entrance better.

24 KEVIN STEINER: Right. Okay, that was
25 all the questions that I had. Eventually you are

1 going to pave it.

2 JOHN SARCHIONE: Yes.

3 KEVIN STEINER: Any questions from the
4 Board? Yes?

5 BETH KLEIN: Beth Klein. Section 560.03
6 talks about the area of setbacks. Since I don't
7 see what you're seeing, my question is does their
8 plan still hold true to what the regulations are
9 currently with 75 percent of the lot, you know,
10 not to be covered with buildings or impervious
11 services and at least 25 percent of the lot
12 landscaped? Does that hold to that?

13 JASON BONECUTTER: No.

14 KEVIN STEINER: No, but that's the point
15 of their application for the variance, because
16 they are not going to achieve 25 percent.

17 BETH KLEIN: What percent does it
18 achieve?

19 KEVIN STEINER: Did you come up with a
20 number?

21 ATTORNEY MOHR: Based on my
22 calculations, I did some math at Inspector Myrla's
23 request, my numbers came out to approximately ten
24 percent, a little bit above, ten percent and some
25 change.

1 BETH KLEIN: So just ten percent would
2 be landscaped and grassy? Then in regards to
3 adjacent residences, have they also changed the
4 zoning for that in this variance request?

5 KEVIN STEINER: Adjacent residences?

6 BETH KLEIN: Where it talks about
7 adjacent to residential uses and adjacent to
8 residential properties, the landscape buffer being
9 at least 15 feet.

10 ATTORNEY MOHR: Mr. Steiner, if I may.
11 I believe there might be some confusion from that
12 section. I believe you're perhaps talking about
13 the setback requirements. There's no structures
14 here for setback, you know, for side yards, front
15 yards, things of that nature.

16 This is the code section dealing
17 specifically with the maximum lot coverage.
18 There's no structures here, there's really nothing
19 to set back.

20 KEVIN STEINER: Right. Is that what you
21 were asking about was setbacks for construction,
22 for building?

23 ATTORNEY MOHR: That's how I understood
24 it.

25 BETH KLEIN: Yes, talking about at least

1 five feet or else it needs to a complete screen,
2 or provided, it's all part of that section.

3 KEVIN STEINER: Right, but they are not
4 to have any building on that, it's just an open
5 lot.

6 BETH KLEIN: So they are just going to
7 reduce it to only ten percent?

8 KEVIN STEINER: Right.

9 BETH KLEIN: Okay. Then at a later
10 point you're going to discuss 550.06 because they
11 are talking about different heights of buffer
12 zones, than what you're discussing right now?

13 KEVIN STEINER: No, we're talking about
14 that right now.

15 BETH KLEIN: So you're talking about
16 560.03 and 550.06, you're talking about both right
17 now?

18 KEVIN STEINER: Well, let me look it up.

19 BETH KLEIN: Because this gentleman
20 talked about that they would put in some plants
21 and there's real specificity as to what type of
22 plants and what height.

23 I'm just trying to understand or have
24 clarified what exactly is this variance going to
25 ask for and what the difference is of how it will

1 appear aesthetically at the end of it all.

2 ATTORNEY MOHR: Mr. Steiner, the
3 proposed application before the Board today is
4 specifically detailing and limited in that nature
5 to the maximum lot coverage.

6 As we stated previously, at this time
7 the foliage, if you will, that's going into these
8 proposed landscaping areas have yet to be
9 determined specifically. We're not asking for a
10 variance in that nature at this time. It's
11 something that is yet to be determined and will
12 likely be impacted when we meet with GM, go over
13 the final plans on this.

14 However, we understand that even with GM
15 requirements and our own likes and dislikes, we
16 will have to comply with the height requirements,
17 buffer zone requirements, things of that nature
18 that are detailed in the code. We're not here
19 before the Board on that matter today.

20 BETH KLEIN: So, Mr. Steiner, earlier
21 when it was spoken that the landscaping people
22 would define what landscaping would go in, it's
23 still within what the zoning says, unless a
24 further variance is requested?

25 KEVIN STEINER: That's correct.

1 ATTORNEY MOHR: Yes.

2 BETH KLEIN: So the only thing now is to
3 change it from 25 percent to 10 percent, that's
4 the only piece of this variance?

5 KEVIN STEINER: Yes.

6 BARB KLEIN: Thank you.

7 KEVIN STEINER: Any other questions from
8 the audience? Any other questions from the Board?

9 Do you think we need -- should we do a
10 motion to discuss or go to private deliberations?

11 ATTORNEY CLUNK: Kevin, we probably
12 should just, if I could ask a few questions of Mr.
13 Sarchione so you have a little more information,
14 if you don't mind.

15 KEVIN STEINER: Sure.

16 ATTORNEY CLUNK: You've already been
17 sworn in.

18 EXAMINATION OF JOHN SARCHIONE

19 BY-MR.CLUNK:

20 Q. Will you please state your name?

21 A. John Sarchione.

22 Q. Okay. Before you bought this property what was
23 the use of that property?

24 A. Excavating company.

25 Q. How about before that?

1 A. A trucking company.

2 Q. Okay. So you purchased the property in that state
3 of business use, excavating?

4 A. Correct.

5 Q. Now, we're asking for this 10 percent variance.

6 Will that in any way adversely impact
7 anybody in the immediate area of this property?

8 A. No, it's commercial property.

9 Q. And did you create this gravelled property?

10 A. No.

11 Q. You actually purchased it in its existing state;
12 is that correct?

13 A. That's right. Refreshed the gravel on top of
14 gravel.

15 Q. Right, but it didn't have landscaping, in it?

16 A. Negative, no.

17 Q. So where the pink that we are talking about here
18 is additional landscaping; correct?

19 A. Correct.

20 Q. New landscaping, excuse me; correct?

21 A. Correct.

22 ATTORNEY CLUNK: Thank you.

23 KEVIN STEINER: All right. So do I have
24 a proposal from the Board or a motion?

25 MARK WISE: I'd like to make a motion to

1 go into private deliberation.

2 KEVIN STEINER: For the purpose of --

3 MARK WISE: For the purpose of
4 discussing this variance.

5 KEVIN STEINER: Okay, a motion by Mark
6 Wise. Do I have a second?

7 MR. MOLEDOR: I'll second it.

8 KEVIN STEINER: Seconded by Bob Moledor.
9 Roll call vote. Chuck?

10 MR. GUTHIER: Yes.

11 KEVIN STEINER: Bob?

12 BOB MOLEDOR: Yes.

13 KEVIN STEINER: Betty?

14 BETTY SIEGFERTH: Yes.

15 KEVIN STEINER: Jason?

16 JASON BONECUTTER: Yes.

17 KEVIN STEINER: Mark?

18 MARK WISE: Yes.

19 KEVIN STEINER: And yes. And we will
20 keep this as brief as probable.

21 (Recess for private deliberation.)

22 KEVIN STEINER: We're back in session.

23 Were there any other questions or
24 comments from the audience at this time, or from
25 the Board?

1 BETTY SIEGFERTH: I'd like to just
2 mention one thing. I'm sorry, I don't remember
3 your name.

4 ATTORNEY CLUNK: Dennis.

5 BETTY SIEGFERTH: Dennis, when you asked
6 Mr. Sarchione about what had been previously
7 there, what it looked like and everything, you
8 know, that was then and this is now. And I had
9 nothing to do with what was before with the Board,
10 but we do appreciate anything you can do to make
11 it look better for the township, and that we do
12 appreciate.

13 But like I said, what was then may not
14 have looked very nice, but we're talking about
15 then and this is now. So that's all I'd like to
16 say.

17 ATTORNEY CLUNK: We appreciate that.

18 KEVIN STEINER: Okay.

19 ATTORNEY MOHR: Mr. Steiner, if I may,
20 just a brief close.

21 KEVIN STEINER: Yes.

22 ATTORNEY MOHR: I just want to establish
23 for purposes of the variance here, Mr. Sarchione
24 did testify as to the special conditions of the
25 property as -- ma'am, I apologize, your name?

1 BETTY SIEGFERTH: Betty.

2 ATTORNEY MOHR: Betty, welcome to the
3 Board. As Betty had stated, this property wasn't
4 a condition what we I guess would consider a prior
5 nonconforming use, basically it was in the
6 condition when we took title to it.

7 So it's under a special condition in
8 that we took title in this present condition. And
9 to now require us to remove the gravel cinders,
10 backfill the property, lay down sod and/or dirt,
11 plant, you know, technically and for all intents
12 and purposes amounts to an unnecessary and undue
13 hardship on our part to really have to remediate
14 that property when it was already in that prior
15 condition.

16 And if the variance is granted, in the
17 spirit and tone of the resolution and the code
18 section as a whole I believe, the spirit will
19 really remain intact. You know, we're adding to
20 the green space to the property.

21 We're looking to implementing a
22 comprehensive land use plan for this entire amount
23 of property here, just to really do everything we
24 can to really make this place look as sharp and
25 beautiful as absolutely possible. And in that

1 essence, it won't have an adverse impact on the
2 immediate area. We're really looking to really
3 beautify this location.

4 And as Mr. Sarchione had also testified,
5 the hardship was not created, it's a condition
6 that we inherited when we purchased the property.
7 And based upon those elements we believe that the
8 variance is appropriate. Thank you.

9 KEVIN STEINER: Thank you. Yes?

10 HOWARD KLINE: Again, on the sidewalk
11 issue, to the benefit of the appearance of our
12 town, you know, we're not against the business,
13 we're not against new residential. We want our
14 town to be developed according to our zoning
15 regulations.

16 It doesn't matter what was then, what
17 was now. The true fact of it is saying, well,
18 we're going to make it look nice, they need to
19 follow our sidewalk regulations.

20 I supplied the Board the specifications
21 for that and it's simply in our zoning law that
22 says new or redevelopment needs it. So, you know,
23 if the variance is granted then we need to enforce
24 that zoning regulation, there needs to be
25 sidewalks put in.

1 KEVIN STEINER: Thank you.

2 ATTORNEY MOHR: Members of the Board, if
3 I may, I believe Mr. Sarchione testified that we
4 will be installing new sidewalks at the location,
5 so that's a nonissue.

6 KEVIN STEINER: Right, right.

7 Okay. And having said that, when we
8 hear the motion for granting the variance there
9 will be two conditions on it that we are going to
10 put in as conditions, even though they are a part
11 of the book, and the one is about installing new
12 sidewalk across the width of the property. And
13 the other one was about the foliage, the green
14 four foot between the bank and the parking lot.
15 Pretty simple. So we're going to add those as
16 conditions.

17 ATTORNEY CLUNK: Appreciate it.

18 KEVIN STEINER: So with that, do I have
19 a motion?

20 MARK WISE: I'd like to make a motion to
21 grant variance application number 62915 with the
22 following conditions: Condition one, 48-inch
23 sidewalk installed, replace with new concrete as
24 per Section 560.08C. Condition number two,
25 four-foot tall live buffer with examples of

1 arborvitae or azalea along Chase Bank property
2 with a total lot coverage of not less than 10
3 percent green space as per drawing submitted by
4 the applicant.

5 KEVIN STEINER: Do I have a second?

6 MR. MOLEDOR: I second it.

7 KEVIN STEINER: Okay. So motion by Mark
8 Wise, and seconded by Bob Moledor. Any
9 discussion?

10 Roll call vote. Chuck?

11 CHUCK GUTHIER: Yes.

12 KEVIN STEINER: Bob?

13 BOB MOLEDOR: Yes.

14 KEVIN STEINER: Betty?

15 BETTY SIEGFERTH: Yes.

16 KEVIN STEINER: Jason?

17 JASON BONECUTTER: Yes.

18 KEVIN STEINER: Mark?

19 MARK WISE: Yes.

20 KEVIN STEINER: Yes for Steiner as well.

21 So the application for variance 62915 is
22 granted for a variance of maximum lot coverage
23 with conditions.

24 ATTORNEY CLUNK: Thank you.

25 KEVIN STEINER: Any other questions or

1 discussions at this time? So if somebody makes a
2 motion to adjourn.

3 MARK WISE: I make a motion to adjourn.

4 JASON BONECUTTER: I second it.

5 KEVIN STEINER: Motion to adjourn Wise,
6 seconded Bonecutter.

7 Roll call vote. Chuck?

8 CHUCK GUTHIER: Yes.

9 KEVIN STEINER: Bob?

10 BOB MOLEDOR: Yes.

11 KEVIN STEINER: Betty?

12 BETTY SIEGFERTH: Yes.

13 KEVIN STEINER: Jason?

14 JASON BONECUTTER: Yes.

15 KEVIN STEINER: Mark?

16 MARK WISE: Yes.

17 KEVIN STEINER: And yes for Steiner.

18 The meeting is adjourned.

19 (Meeting adjourned at 8:51 p.m.)

20 - - - - -
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CERTIFICATE

I, Julieanne Ross, do hereby certify that as such Reporter I took down in Stenotypy all of the proceedings had in the foregoing transcript; that I have transcribed my said Stenotype notes into typewritten form as appears in the foregoing transcript; that said transcript is the complete form of the proceedings had in said cause and constitutes a true and correct transcript therein.

I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D), or otherwise interested in the outcome of this action.

Julieanne Ross
Notary Public within and
for the State of Ohio
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